

court shall thereupon have jurisdiction to enter a decree affirming, modifying, or setting aside said order, or enter such other decree as the court may deem equitable, and may make rules as to pleadings and proceedings to be had in considering such order. The place of trial may, for cause or by consent of parties, be changed as in other causes.

The facts found by the Secretary of Agriculture and recited or set forth in said order shall be prima facie evidence of such facts, but either party may adduce additional evidence. The Department of Justice shall have charge of the enforcement of such order. After the order is so filed in such district court and while pending for review therein the court may issue a temporary writ of injunction forbidding such association from violating such order or any part thereof. The court may, upon conclusion of its hearing, enforce its decree by a permanent injunction or other appropriate remedy. Service of such complaint and of all notices may be made upon such association by service upon any officer or agent thereof engaged in carrying on its business, or on any attorney authorized to appear in such proceedings for such association, and such service shall be binding upon such association, the officers, and members thereof.

(Feb. 18, 1922, ch. 57, § 2, 42 Stat. 388.)

RESTRICTION ON USE OF FUNDS RESPECTING STUDY, INVESTIGATION, OR PROSECUTION OF ANY AGRICULTURAL COOPERATIVE OR STUDY OR INVESTIGATION OF ANY AGRICULTURAL MARKETING ORDERS

For provisions restricting the use of funds authorized to be appropriated to carry out section 41 et seq. of Title 15, Commerce and Trade, for fiscal year 1980, 1981, or 1982, for the purpose of conducting any study, investigation, or prosecution of any provisions of this chapter, see section 20 of Pub. L. 96-252, set out as a note under section 57c of Title 15.

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SUBCHAPTER I—COLLEGE-AID LAND APPROPRIATION

§ 301. Land grant aid of colleges

There is granted to the several States, for the purposes hereinafter mentioned in this subchapter, an amount of public land, to be apportioned to each State a quantity equal to thirty thousand acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment under the census of 1860: *Provided*, That no mineral lands shall be selected or purchased under the provisions of said sections.

(July 2, 1862, ch. 130, § 1, 12 Stat. 503.)

CODIFICATION

Act July 2, 1862, with the exception of section 7, was not incorporated into the Revised Statutes, probably because the grants made thereby were regarded as executed, and the provisions incidental thereto as temporary. By act Mar. 3, 1883, ch. 102, 22 Stat. 484, however, section 4 of the original act was amended to read as set out under section 304 of this title.

SHORT TITLE

Act July 2, 1862, as amended, which is classified to this subchapter, is popularly known as the "Morrill Act" and also as the "First Morrill Act".

EQUITY IN EDUCATIONAL LAND GRANT STATUS

Pub. L. 107-171, title VII, § 7201(e), May 13, 2002, 116 Stat. 437, provided that: "Not later than 1 year after the date of enactment of this Act [May 13, 2002], the Secretary of Agriculture shall submit a report containing recommended criteria for designating additional 1994 Institutions [see section 532 of Pub. L. 103-382, set out below] to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate."

Pub. L. 106-387, § 1(a) [title I], Oct. 28, 2000, 114 Stat. 1549, 1549A-7, provided in part: "That hereafter, any distribution of the adjusted income from the Native American Institutions Endowment Fund is authorized to be used for facility renovation, repair, construction, and maintenance, in addition to other authorized purposes."

Pub. L. 103-382, title V, part C, Oct. 20, 1994, 108 Stat. 4048, as amended by Pub. L. 104-127, title VIII, § 882, Apr. 4, 1996, 110 Stat. 1175; Pub. L. 105-185, title II, § 251, title III, § 301(g), June 23, 1998, 112 Stat. 557, 563; Pub. L. 105-332, § 3(d), Oct. 31, 1998, 112 Stat. 3126; Pub. L. 107-171, title VII, §§ 7126(f)-7128, 7201(a)-(d), May 13, 2002, 116 Stat. 435-437; Pub. L. 108-204, title I, § 128, Mar. 2, 2004, 118 Stat. 547; Pub. L. 108-447, div. A, title VII, § 777, Dec. 8, 2004, 118 Stat. 2849; Pub. L. 110-234, title VII, § 7402(a)-(e), May 22, 2008, 122 Stat. 1245, 1246; Pub. L. 110-246, § 4(a), title VII, § 7402(a)-(e), June 18, 2008, 122 Stat. 1664, 2007; Pub. L. 110-315, title IX, § 941(k)(2)(A), Aug. 14, 2008, 122 Stat. 3465, provided that:

“SEC. 531. SHORT TITLE.

“This part may be cited as the ‘Equity in Educational Land-Grant Status Act of 1994’.

“SEC. 532. DEFINITION.

“As used in this part, the term ‘1994 Institutions’ means any one of the following colleges:

- “(1) Bay Mills Community College.
- “(2) Blackfeet Community College.
- “(3) Cankdeska Cikana Community College.
- “(4) College of Menominee Nation.
- “(5) Crownpoint Institute of Technology.
- “(6) D-Q University.
- “(7) Dine College.
- “(8) Chief Dull Knife Memorial College.
- “(9) Fond du Lac Tribal and Community College.
- “(10) Fort Belknap College.
- “(11) Fort Berthold Community College.
- “(12) Fort Peck Community College.
- “(13) Haskell Indian Nations University.
- “(14) Institute of American Indian and Alaska Native Culture and Arts Development.
- “(15) Lac Courte Oreilles Ojibwa Community College.
- “(16) Leech Lake Tribal College.
- “(17) Little Big Horn College.
- “(18) Little Priest Tribal College.
- “(19) Nebraska Indian Community College.
- “(20) Northwest Indian College.
- “(21) Oglala Lakota College.
- “(22) Saginaw Chippewa Tribal College.
- “(23) Tohono O’odham Community College.
- “(24) Salish Kootenai College.
- “(25) Sinte Gleska University.
- “(26) Sisseton Wahpeton Community College.
- “(27) Si Tanka/Huron University.
- “(28) Sitting Bull College.
- “(29) Southwestern Indian Polytechnic Institute.
- “(30) Stone Child College.
- “(31) Turtle Mountain Community College.
- “(32) United Tribes Technical College.
- “(33) White Earth Tribal and Community College.
- “(34) Ilisagvik College.

“SEC. 533. LAND-GRANT STATUS FOR 1994 INSTITUTIONS.

“(a) IN GENERAL.—

“(1) STATUS OF 1994 INSTITUTIONS.—Except as provided in paragraph (2), 1994 Institutions shall be considered land-grant colleges established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C. 301 et seq.) (commonly known as the First Morrill Act).

“(2) 1994 INSTITUTIONS.—(A) 1994 Institutions shall not be considered as land-grant colleges that are eligible to receive funding under—

- “(i) the Act of March 2, 1887 (24 Stat. 440, chapter 314; 7 U.S.C. 361a et seq.);
- “(ii) the Act of May 8, 1914 (38 Stat. 373, chapter 79; 7 U.S.C. 343), except as provided under section 3(b)(3) of such Act [7 U.S.C. 343(b)(3)] (as added by section 534(b)(1) of this part); or
- “(iii) the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 321 et seq.) (commonly known as the Second Morrill Act).

“(B) In lieu of receiving donations under the provisions of the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C.

301 et seq.) (commonly known as the First Morrill Act), relating to the donations of public land or scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, 1994 Institutions shall receive funding pursuant to the authorization under subsection (b).

“(3) ACCREDITATION.—To receive funding under this section and sections 534, 535, and 536, a 1994 Institution shall certify to the Secretary that the 1994 Institution—

“(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary, in consultation with the Secretary of Education, to be a reliable authority regarding the quality of training offered; or

“(B) is making progress toward the accreditation, as determined by the nationally recognized accrediting agency or association.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1996 through 2012. Amounts appropriated pursuant to this section shall be held and considered to have been granted to 1994 Institutions to establish an endowment pursuant to subsection (c).

“(c) ENDOWMENT.—

“(1) IN GENERAL.—In accordance with this subsection, the Secretary of the Treasury shall establish a 1994 Institutions Endowment Fund (hereafter in this subsection referred to as the ‘endowment fund’). The Secretary may enter into such agreements as are necessary to carry out this subsection.

“(2) DEPOSIT TO THE ENDOWMENT FUND.—The Secretary shall deposit in the endowment fund any—

“(A) amounts made available by appropriations pursuant to subsection (b) (hereafter in this subsection referred to as the ‘endowment fund corpus’); and

“(B) interest earned on the endowment fund corpus.

“(3) INVESTMENTS.—The Secretary shall invest the endowment fund corpus and income in interest-bearing obligations of the United States.

“(4) WITHDRAWALS AND EXPENDITURES.—The Secretary may not make a withdrawal or expenditure from the endowment fund corpus. On the termination of each fiscal year, the Secretary shall withdraw the amount of the income from the endowment fund for the fiscal year, and after making adjustments for the cost of administering the endowment fund, distribute the adjusted income as follows:

“(A) 60 percent of the adjusted income shall be distributed among the 1994 Institutions on a pro rata basis. The proportionate share of the adjusted income received by a 1994 Institution under this subparagraph shall be based on the Indian student count (as defined in section 2(a) of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801(a))).

“(B) 40 percent of the adjusted income shall be distributed in equal shares to the 1994 Institutions.

“(d) MEMORANDUM OF AGREEMENT.—Not later than January 6, 1997, the Secretary shall develop and implement a formal memorandum of agreement with the 1994 Institutions to establish programs to ensure that tribally controlled colleges and Native American communities equitably participate in Department of Agriculture employment, programs, services, and resources.

“SEC. 534. APPROPRIATIONS.

“(a) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—For fiscal year 1996, and for each fiscal year thereafter, there are authorized to be appropriated to the Department of the Treasury an amount equal to—

“(A) \$100,000; multiplied by

“(B) the number of 1994 Institutions.

“(2) PAYMENTS.—For each fiscal year, the Secretary of the Treasury shall pay to the treasurer of each 1994 Institution an amount equal to—

“(A) the total amount made available by appropriations pursuant to paragraph (1); divided by

“(B) the number of 1994 Institutions.

“(3) USE OF FUNDS; REQUIREMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the amounts authorized to be appropriated under this subsection shall be used in the same manner as is prescribed for colleges under the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 321 et seq.) (commonly known as the Second Morrill Act), and, except as otherwise provided in this subsection, the requirements of such Act shall apply to 1994 Institutions.

“(B) REDISTRIBUTION.—Funds that would be paid to a 1994 Institution under paragraph (2) shall be withheld from that 1994 Institution and redistributed among the other 1994 Institutions if that 1994 Institution—

“(i) declines to accept funds under paragraph (2); or

“(ii) fails to meet the accreditation requirements under section 533(a)(3).

“(b) FUNDING.—[Amended section 343 of this title.]

“SEC. 535. INSTITUTIONAL CAPACITY BUILDING GRANTS.

“(a) DEFINITIONS.—As used in this section:

“(1) FEDERAL SHARE.—The term ‘Federal share’ means, with respect to a grant awarded under subsection (b), the share of the grant that is provided from Federal funds.

“(2) NON-FEDERAL SHARE.—The term ‘non-Federal share’ means, with respect to a grant awarded under subsection (b), the matching funds paid with funds other than funds referred to in paragraph (1), as determined by the Secretary.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

“(b) IN GENERAL.—

“(1) INSTITUTIONAL CAPACITY BUILDING GRANTS.—For each of fiscal years 1996 through 2012, the Secretary shall make two or more institutional capacity building grants to assist 1994 Institutions with constructing, acquiring, and remodeling buildings, laboratories, and other capital facilities (including fixtures and equipment) necessary to conduct instructional activities more effectively in agriculture and sciences.

“(2) REQUIREMENTS FOR GRANTS.—The Secretary shall make grants under this section—

“(A) on the basis of a competitive application process under which appropriate officials of 1994 Institutions may submit applications to the Secretary in such form and manner as the Secretary may prescribe; and

“(B) in such manner as to ensure geographic diversity with respect to the 1994 Institutions that are the subject of the grants.

“(3) DEMONSTRATION OF NEED.—The Secretary shall require, as part of an application for a grant under this subsection, a demonstration of need. The Secretary may only award a grant under this subsection to an applicant that demonstrates a failure to obtain funding for a project after making a reasonable effort to otherwise obtain the funding.

“(4) PAYMENT OF NON-FEDERAL SHARE.—A grant awarded under this subsection shall be made only if the recipient of the grant pays a non-Federal share in an amount specified by the Secretary.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Agriculture to carry out this section, such sums as are necessary for each of fiscal years 2002 through 2012.

“SEC. 536. RESEARCH GRANTS.

“(a) RESEARCH GRANTS AUTHORIZED.—The Secretary of Agriculture may make grants under this section, on the basis of a competitive application process (and in accordance with such regulations as the Secretary may promulgate), to a 1994 Institution to assist the Institution to conduct agricultural research that addresses

high priority concerns of tribal, national, or multistate significance.

“(b) REQUIREMENTS.—Grant applications submitted under this section shall certify that the research to be conducted will be performed under a cooperative agreement with at least 1 other land-grant college or university (exclusive of another 1994 Institution).

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2012. Amounts appropriated shall remain available until expended.”

[Pub. L. 110-234, title VII, §7402(f), May 22, 2008, 122 Stat. 1246, and Pub. L. 110-246, §4(a), title VII, §7402(f), June 18, 2008, 122 Stat. 1664, 2007, provided that: “The amendment made by subsection (a) [amending section 532 of Pub. L. 103-382, set out above] takes effect on October 1, 2008.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of this title.]

LAND GRANT COLLEGES IN AMERICAN SAMOA, NORTHERN MARIANA ISLANDS, AND TRUST TERRITORY OF THE PACIFIC ISLANDS

Pub. L. 96-374, title XIII, §1361(c), (d), Oct. 3, 1980, 94 Stat. 1502, as amended by Pub. L. 99-396, §9(c), Aug. 27, 1986, 100 Stat. 840, provided that:

“(c) Any provision of any Act of Congress relating to the operation of or provision of assistance to a land grant college in the Virgin Islands or Guam shall apply to the land grant college in American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands) in the same manner and to the same extent.

“(d) Nothing in this section [amending section 326a of this title and provisions set out as a note below] shall be construed to interfere with or affect any of the provisions of the April 17, 1900 Treaty of Cession of Tutuila and Annu'u Islands or the July 16, 1904 Treaty of Cession of the Manu'a Islands as ratified by the Act of February 20, 1929 (45 Stat. 1253) and the Act of May 22, 1929 (46 Stat. 4) [48 U.S.C. 1431a].”

[For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.]

COLLEGE OF THE VIRGIN ISLANDS, COMMUNITY COLLEGE OF AMERICAN SAMOA, COLLEGE OF MICRONESIA, NORTHERN MARIANAS COLLEGE, AND UNIVERSITY OF GUAM; LAND-GRANT STATUS; AUTHORIZATION OF APPROPRIATIONS

Section 506(a), (b) of Pub. L. 92-318, title V, June 23, 1972, 86 Stat. 350, as amended by Pub. L. 96-374, title XIII, §1361(a), Oct. 3, 1980, 94 Stat. 1501; Pub. L. 99-396, §9(a), Aug. 27, 1986, 100 Stat. 840, as amended by Pub. L. 102-247, title III, §305, Feb. 24, 1992, 106 Stat. 39, provided that:

“(a) The College of the Virgin Islands, the Community College of American Samoa, the College of Micronesia[,], the Northern Marianas College, and the University of Guam shall be considered land-grant colleges established for the benefit or agriculture and mechanic arts in accordance with the provisions of the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C. 301-305, 307, 308).

“(b) In lieu of extending to the Virgin Islands, Guam, American Samoa, Micronesia, and the Northern Mariana Islands those provisions of the Act of July 2, 1862, as amended, relating to donations of public land or land scrip for the endowment and maintenance of colleges or the benefit of agriculture and the mechanic arts, there is authorized to be appropriated \$3,000,000 to the Virgin Islands and \$3,000,000 to Guam and an equal amount to American Samoa, Micronesia, and to the Northern Mariana Islands. Amounts appropriated pursuant to this section shall be held and considered to have been granted to the Virgin Islands, Guam, American Samoa,

Micronesia, and the Northern Mariana Islands subject to the provisions of that Act applicable to the proceeds from the sale of land or land scrip.”

EXCHANGE OF LAND IN MISSOURI

Pub. L. 85-282, Sept. 4, 1957, 71 Stat. 607, provided: “That, notwithstanding the provisions of the Act entitled ‘An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts’, approved July 2, 1862 (7 U.S.C. secs. 301-308), the State of Missouri is authorized to convey to the United States all right, title, and interest of such State in and to any land granted to such State under authority of such Act of July 2, 1862, which is located within the exterior boundaries of the national forests situated within such State, and, in exchange therefor, the Secretary of Agriculture is authorized to convey to the State of Missouri all right, title, and interest of the United States in and to not to exceed an equal value of national forest lands (as determined by the Secretary) situated within such State.

“SEC. 2. Any exchange authorized by the first section of this Act shall be made in accordance with the applicable provisions of section 7 of the Act of March 1, 1911, commonly referred to as the Weeks Law (16 U.S.C., sec. 516), and the applicable provisions of the Act entitled ‘An Act to consolidate national forest lands’, approved March 20, 1922 (16 U.S.C., secs. 485 and 486).

“SEC. 3. Any land conveyed to the State of Missouri under authority of this Act shall, upon acceptance of such conveyance by such State, be held and considered to be granted to such State subject to the provisions of the Act of July 2, 1862, referred to in the first section of this Act.”

COOPERATION IN PLACEMENT OF DOMESTIC FARM LABOR

Section 2(b) of act Apr. 28, 1947, ch. 43, 61 Stat. 55, provided: “The Secretary of Agriculture and the Secretary of Labor shall take such action as may be necessary to assure maximum cooperation between the agricultural extension services of the land-grant colleges and the State public employment agencies in the recruitment and placement of domestic farm labor and in the keeping of such records and information with respect thereto as may be necessary for the proper and efficient administration of the State unemployment compensation laws and of title V of the Servicemen’s Readjustment Act of 1944, as amended (58 Stat. 295).”

ADMISSION OF ALASKA AS STATE; GRANTS NOT TO EXTEND TO ALASKA

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

Land grant under Alaska Statehood provisions as being in lieu of grant of acreage under sections 301 to 305, 307, 308 of this title (declared not to extend to Alaska), see section 6(l) of Pub. L. 85-508, set out as a note preceding section 21 of Title 48.

§ 302. Method of apportionment and selection; issuance of land scrip

The land aforesaid, after being surveyed, shall be apportioned to the several States in sections or subdivisions of sections, not less than one-quarter of a section; and whenever there are public lands in a State subject to sale at private entry at \$1.25 per acre, the quantity to which said State shall be entitled shall be selected from such lands within the limits of such State, and the Secretary of the Interior is directed to issue to each of the States in which there is not the quantity of public lands subject to sale at

private entry at \$1.25 per acre, to which said State may be entitled under the provisions of this subchapter, land scrip to the amount in acres for the deficiency of its distributive share; said scrip to be sold by said States and the proceeds thereof applied to the uses and purposes prescribed in said sections, and for no other use or purpose whatsoever: *Provided*, That in no case shall any State to which land scrip may thus be issued be allowed to locate the same within the limits of any other State, or of any Territory of the United States, but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry at \$1.25, or less, per acre: *And provided further*, That not more than one million acres shall be located by such assignees in any one of the States: *And provided further*, That no such location shall be made before July 2, 1863.

(July 2, 1862, ch. 130, § 2, 12 Stat. 503.)

§ 303. Management expenses paid by State

All the expenses of management, superintendence, and taxes from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States, so that the entire proceeds of the sale of said lands shall be applied without any diminution whatever to the purposes in sections 304, 305, 307 and 308 of this title mentioned.

(July 2, 1862, ch. 130, § 3, 12 Stat. 504.)

§ 304. Investment of proceeds of sale of land or scrip

All moneys derived from the sale of lands as provided in section 302 of this title by the States to which lands are apportioned and from the sales of land scrip provided for in said section shall be invested in bonds of the United States or of the States or some other safe bonds; or the same may be invested by the States having no State bonds, in any manner after the legislatures of such States shall have assented thereto and engaged that such funds shall yield a fair and reasonable rate of return, to be fixed by the State legislatures, and that the principal thereof shall forever remain unimpaired: *Provided*, That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section 305 of this title), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this subchapter, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

(July 2, 1862, ch. 130, § 4, 12 Stat. 504; Mar. 3, 1883, ch. 102, 22 Stat. 484; Apr. 13, 1926, ch. 130, 44 Stat. 247.)

AMENDMENTS

1926—Act Apr. 13, 1926, substituted “bonds” for “stocks” and “a fair and reasonable rate of return, to be fixed by the State Legislatures” for “not less than 5 per centum upon the amount so invested”, before proviso.

1883—Act Mar. 3, 1883, inserted “or the same may be invested by the States having no State stocks, in any other manner after the legislatures of such States shall have assented thereto, and engaged that such funds shall” after “other safe stocks” and substituted “yield” for “yielding”, “principal” for “capital” and “unimpaired” for “undiminished”.

§ 305. Conditions of grant

The grant of land and land scrip hereby authorized shall be made on the following conditions, to which, as well as to the provisions contained in said sections, the previous assent of the several States shall be signified by legislative acts:

First. If any portion of the fund invested, as provided by section 304 of this title, or any portion of the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in section 304 of this title, except that a sum, not exceeding 10 per centum upon the amount received by any State under the provisions of this subchapter, may be expended for the purchase of lands for sites or experimental farms, whenever authorized by the respective legislatures of said States.

Second. No portion of said fund, nor the interest thereon, shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings.

Third. Any State which may take and claim the benefit of the provisions of this subchapter shall provide, within five years from the time of its acceptance as provided in subdivision seven of this section, at least not less than one college, as described in section 304 of this title, or the grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold, and the title to purchasers under the State shall be valid.

Fourth. An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their cost and results, and such other matters, including State industrial and economical statistics, as may be supposed useful; one copy of which shall be transmitted by mail, by each, to all the other colleges which may be endowed under the provisions of this subchapter, and also one copy to the Secretary of the Interior.

Fifth. When lands shall be selected from those which have been raised to double the minimum price, in consequence of railroad grants, they shall be computed to the States at the maximum price, and the number of acres proportionally diminished.

Sixth. No State while in a condition of rebellion or insurrection against the Government of the United States shall be entitled to the benefit of the provisions of this subchapter.

Seventh. No State shall be entitled to the benefits of the provisions of this subchapter unless it shall express its acceptance thereof by its legislature within three years from July 23, 1866: *Provided*, That when any Territory shall become a State and be admitted into the Union, such new State shall be entitled to the benefits of the provisions of said sections, by expressing the acceptance therein required within three years from the date of its admission into the Union, and providing the college or colleges within five years after such acceptance, as heretofore prescribed in this chapter.

(July 2, 1862, ch. 130, § 5, 12 Stat. 504; July 23, 1866, ch. 209, 14 Stat. 208; Mar. 3, 1873, ch. 231, § 3, 17 Stat. 559.)

REPEALS

Subd. fourth was repealed in part by act March 3, 1873, which provided in part: “That all laws and parts of laws permitting the transmission by mail of any free matter whatever be, and the same are hereby, repealed from and after June thirtieth, eighteen hundred and seventy-three.”

Subd. seventh formerly contained a proviso which read as follows: “*Provided further*, That any State which has prior to July 23, 1866, expressed its acceptance of the foregoing provisions of this chapter shall have the period of five years within which to provide at least one college, as described in the fourth section of said act, after the time for providing said college, according to the act of July second, eighteen hundred and sixty-two shall have expired.”

§ 306. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1028

Section, act July 2, 1862, ch. 130, § 6, 12 Stat. 505, related to time of location of land scrip.

§ 307. Fees for locating land scrip

The land officers shall receive the same fees for locating land scrip issued under the provisions of this subchapter as was on July 2, 1862, allowed for the location of military bounty land warrants under laws existing at that time: *Provided*, That their maximum compensation shall not be thereby increased.

(July 2, 1862, ch. 130, § 7, 12 Stat. 505.)

§ 308. Reports by State governors of sale of scrip

The governors of the several States to which scrip shall be issued under the provisions of this subchapter shall be required to report annually to Congress all sales made of such scrip until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds.

(July 2, 1862, ch. 130, § 8, 12 Stat. 505.)

§ 309. Land grants in the State of North Dakota

(a) Expenses

Notwithstanding section 303 of this title, the State of North Dakota shall manage the land granted to the State under section 301 of this title, including any proceeds from the land, in accordance with this section.

(b) Disposition of proceeds

Notwithstanding section 304 of this title, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of land under this subchapter are deposited (referred to in this section as the “trust fund”)—

- (1) deposit all revenues earned by a trust fund into the trust fund;
- (2) deduct the costs of administering a trust fund from each trust fund; and
- (3) manage each trust fund to—
 - (A) preserve the purchasing power of the trust fund; and
 - (B) maintain stable distributions to trust fund beneficiaries.

(c) Distributions

Notwithstanding section 304 of this title, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

(d) Management

Notwithstanding section 305 of this title, the State of North Dakota shall manage the land granted under section 301 of this title, including any proceeds from the land, in accordance with this section.

(July 2, 1862, ch. 130, § 9, as added Pub. L. 111–11, title XIII, § 13001(b), Mar. 30, 2009, 123 Stat. 1446.)

SUBCHAPTER II—COLLEGE-AID ANNUAL APPROPRIATION

§ 321. Secretary of Agriculture to administer annual college-aid appropriation

The Secretary of Agriculture is charged with the proper administration of this subchapter.

(Aug. 30, 1890, ch. 841, § 4, 26 Stat. 419; 1939 Reorg. Plan No. 1, §§ 201, 204, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424; 1953 Reorg. Plan No. 1, §§ 5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Pub. L. 96–88, title III, § 301(a)(2)(E), Oct. 17, 1979, 93 Stat. 677; Pub. L. 97–98, title XIV, § 1419, Dec. 22, 1981, 95 Stat. 1306.)

CODIFICATION

Section constitutes part of section 4 of act Aug. 30, 1890. Remainder of section 4 is classified to section 326 of this title.

SHORT TITLE

Act Aug. 30, 1890, as amended, which is classified to this subchapter, is popularly known as the “Agricultural College Act of 1890” and also as the “Second Morrill Act”.

TRANSFER OF FUNCTIONS

Functions and duties of Secretary of Education under this subchapter transferred to Secretary of Agriculture by section 1419 of Pub. L. 97–98.

Functions of Secretary of Health, Education, and Welfare under this subchapter transferred to Secretary of Education by section 301(a)(2)(E) of Pub. L. 96–88, which is classified to section 3441(a)(2)(E) of Title 20, Education.

Functions of Federal Security Administrator transferred to Secretary of Health, Education, and Welfare and all agencies of Federal Security Agency transferred to Department of Health, Education, and Welfare by section 5 of 1953 Reorg. Plan No. 1, set out in the Appendix to Title 5, Government Organization and Em-

ployees. Federal Security Agency and office of Administrator abolished by section 8 of 1953 Reorg. Plan No. 1.

Prior to July 1, 1939, functions of Secretary of the Interior under this subchapter were carried out through Office of Education of Department of the Interior. Office of Education and its functions transferred to Federal Security Administrator by section 204 of 1939 Reorg. Plan No. 1, set out in the Appendix to Title 5.

WEST VIRGINIA STATE COLLEGE AT INSTITUTE, WEST VIRGINIA

Pub. L. 107–76, title VII, § 753, Nov. 28, 2001, 115 Stat. 740, provided that: “Hereafter, any provision of any Act of Congress relating to colleges and universities eligible to receive funds under the Act of August 30, 1890 [7 U.S.C. 321 et seq.], including Tuskegee University, shall apply to West Virginia State College at Institute, West Virginia: *Provided*, That the Secretary may waive the matching funds’ requirement under section 1449 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d) for fiscal year 2002 for West Virginia State College if the Secretary determines the State of West Virginia will be unlikely to satisfy the matching requirement.”

§ 322. Annual appropriation

There is annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as provided in section 324 of this title, to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts established in accordance with the provisions of subchapter I of this chapter, \$50,000 to be applied only to instruction in food and agricultural sciences, and to the facilities for such instruction: *Provided*, That said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of food and agricultural sciences.

(Aug. 30, 1890, ch. 841, § 1, 26 Stat. 417; Mar. 4, 1907, ch. 2907, 34 Stat. 1281, 1282; Pub. L. 97–98, title XIV, § 1421, Dec. 22, 1981, 95 Stat. 1306.)

CODIFICATION

Section is based on a part of section 1 of act Aug. 30, 1890, and the tenth and eleventh pars. under the heading “Emergency Appropriations” of act Mar. 4, 1907. Remainder of section 1 of act Aug. 30, 1890, is classified to section 323 of this title.

AMENDMENTS

1981—Pub. L. 97–98 substituted “food and agricultural sciences” for “agriculture, the mechanic arts, the English language, and the various branches of mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life” and “the elements of food and agricultural sciences” for “the elements of agriculture and the mechanic arts”.

1907—Act Mar. 4, 1907, substituted “\$50,000” for “\$25,000”, and inserted proviso.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions under this section to Secretary of Agriculture, see note set out under section 321 of this title.